

## **DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, May 26, 2020**

### **MEETING MINUTES**

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, May 26, 2020**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER** by Emily Schemper

**ROLL CALL** by Ilze Aguila

#### **DRC MEMBERS PRESENT**

Emily Schemper, Senior Director of Planning and Environmental Resources  
Cheryl Cioffari, Assistant Director of Planning  
Bradley Stein, Development Review Manager  
Mike Roberts, Assistant Director, Environmental Resources  
Mayte Santamaria, Senior Planning Policy Advisor  
Rey Ortiz, Assistant Building Official  
Tiffany Gehrke, FDOT Representative  
Cassy Cane, Deputy Fire Marshal

#### **STAFF MEMBERS PRESENT**

Steve Williams, Assistant County Attorney  
Ilze Aguila, Senior Planning Commission Coordinator

#### **APPLICANTS & PUBLIC PRESENT**

Dottie Moses                      Jim Saunders                      Bart Smith

#### **CHANGES TO THE AGENDA**

There were no changes to the agenda.

#### **MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, February 25, 2020.

### **MEETING**

**1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING POLICIES 101.3.1, 101.3.5, AND 101.6.8 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO ALLOW THE INTERCHANGEABILITY OF MOBILE HOME AND RV USES WITHIN VENTURE OUT ON CUDJOE KEY, AND ELIMINATING THE POSSIBILITY TO TRANSFER ROGO EXEMPTIONS FROM VENTURE OUT TO OTHER LOCATIONS OUTSIDE OF THE VENTURE OUT COMMUNITY, AS PROPOSED BY SMITH/HAWKS PL ON BEHALF OF VENTURE OUT AT CUDJOE CAY CONDOMINIUM ASSOCIATION; PROVIDING FOR

SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.  
(FILE 2019-066)

Ms. Cheryl Cioffari, Assistant Director of Planning, presented the staff report. This is a proposal for a text amendment to the Comprehensive Plan to amend Policy 101.3.1 to allow for the interchangeability within Venture Out. Venture Out is a community on Cudjoe Key within the URM-L which allows both mobile homes and RVs. Staff has reviewed the proposed amendment and recommends the following changes. Currently, under the Comp Plan and Code, mobile homes and RVs are two separate and distinct uses. This policy would allow for the ability to replace mobile homes with RVs and RVs with mobile homes only within Venture Out. Staff is recommending some modifications to the language as follows: That it be explicitly clear that all occupants of the units within Venture Out are required to evacuate within the first 48 hours of tropical storm winds, including evacuation of the recreational vehicles. The scope of the amendment is limited explicitly to Venture Out. The occupancies of RVs greater than six months is prohibited, and RVs must meet all LDRs including floodplain management standards and be road ready. It must be clear that units cannot be transferred out of Venture Out, and the interchangeability can only occur within the boundaries of Venture Out. Any transient units within Venture Out cannot be redeveloped as hotel or motel units. With these modifications, staff recommends approval.

Ms. Emily Schemper, Senior Director of Planning and Environmental Resources, asked for staff questions and comments. There were none. Ms. Schemper then asked if the applicant wished to speak. Mr. Bart Smith stated he had reviewed the staff recommendations and additions, was comfortable with the additional language, and will represent that to the Planning Commission and the BOCC. Ms. Emily Schemper then asked for public comment. There was none.

**2. KEY LARGO OCEAN RESORT CONDOMINIUM ASSOCIATION, INC., 94825 OVERSEAS HWY, UNITS 1-285, KEY LARGO, FL 33037 MILE MARKER 94.8 OCEAN SIDE:** A PUBLIC MEETING CONCERNING A REQUEST FOR AN AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN MONROE COUNTY, FLORIDA AND KEY LARGO OCEAN RESORT CONDOMINIUM ASSOCIATION, INC. AS IT RELATES TO THE DEVELOPMENT OF 285 PERMANENT, MARKET-RATE DWELLING UNITS, AND ACCESSORY STRUCTURES/USES THERETO, ON THE PROPERTY. NO STRUCTURES WILL BE HIGHER THAN 40 FEET PURSUANT TO SECTION 131-2(b) OF THE MONROE COUNTY LAND DEVELOPMENT CODE. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN SECTIONS 13 AND 14, TOWNSHIP 62 SOUTH, RANGE 38 EAST, KEY LARGO, BEING PART TRACT 10 AND PART TRACT 11 OF SOUTHCLIFF ESTATES (PLAT BOOK 2, PAGE 45), MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBER 00483401-000000. (FILE # 2020-001)

Mr. Bradley Stein, Development Review Manager, presented the staff report. This is the third amendment to the Development Agreement between Key Largo Ocean Resort and the County. The material changes are the extension of time, which is currently an additional 10 years for the

amendment, and the other largest change would be the revised design guidelines, rules and regulations for development within, which are to mirror the County's current Code allowing the height to go to 38 feet. This was advertised at 40, which is a preemption to say that it could potentially be 40 feet, but regardless, it will follow the Code and what is currently permitted under 131.2(b) which only allows 38 feet with two habitable floors. Staff has reviewed the revised design guidelines and proposed amendment to the Development Agreement and recommends approval.

Ms. Schemper asked for questions or comments from staff. There were none. Ms. Schemper asked if the applicant wished to speak. Mr. Jim Saunders, representing Key Largo Ocean Resort, stated that the goal was to mirror the County regulations for the elevations inside Klor so it carries on through the rest of the term. Ms. Schemper then asked for public comment.

Ms. Dottie Moses stated she was confused by the reference to the 40-foot height increase and asked for explanation. Ms. Schemper responded that the maximum height must be included in a Development Agreement. Currently, the Comp Plan allows a maximum of 40 feet. The homes in this Development Agreement would fall under the 38-foot category. If they were voluntarily elevated three feet above base flood, then potentially three feet could be added on the top to 38. It was advertised at 40 to be consistent with the Comp Plan to allow for the possibility that if the Code were to change, they would follow whatever the current Code states. The wording in the Development Agreement states that the height is determined by the design guidelines, which are adopted by reference, and they are being amended to say that the height will be governed by whatever the current Land Development Code is at the time of construction, so if that changed, it would be updating the design guidelines. Mr. Stein confirmed that to be correct.

Ms. Moses stated that she was still confused about the reference to 40 feet if the Code only allows 38 feet. Ms. Schemper explained that with the new flood maps coming out, there will possibly be new freeboard requirements. Staff has contemplated an amendment that would give an additional flood height exception, though this has not gone through any public meetings at this time, but if this height were to become 40 feet instead of 38 feet, this would allow them to go with whatever the new Code requirement are without having to do another amendment to the Development Agreement. Mr. Steve Williams confirmed that this wording and the language was approved. Ms. Schemper further explained that because Florida Statute requires the maximum height to be published, 40 feet was used to be consistent with the Comp Plan maximum height.

Ms. Moses then asked when the 40-foot height would be allowed in the Comp Plan. Ms. Schemper responded that it was flood related with different categories for new development, redevelopment, retrofitting buildings that are already over 35 feet and those that aren't. Ms. Moses asked if the 40 foot allowance in a new development like this one would not happen. Ms. Schemper stated that it had been discussed to allow new development to go to 40 feet if there are additional freeboard requirements but that the public hearing process hadn't yet begun, and referenced Policy 101.5.32 which talks about a maximum of a five-foot height exception for lawfully-existing buildings, and a three-foot height exception for new buildings. At the end of the policy, there is a statement that, "In the case of a flood protection height exception, a new building exceeding a maximum height of 38 feet or a lawfully existing building exceeding a

maximum height of 40 feet.” This would not allow anything that is not already allowed in the rest of the County.

There was nothing further from staff or the public.

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 1:30 p.m.